

RB
2/7/09

To : The **Honorable Robert D. Drain**
Office of the United States Trustee
Southern District Court of New York
33 Whitehall Street Suite 210
New York , New York 10004

United States Bankruptcy Judge
OFFICE OF THE U.S. TRUSTEE

2009 FEB 11 PM 2:30

NEW YORK, NY

In regards to Delphi Corporation bankruptcy Case # 05-44481

This is in response to Delphi's proposal to the Bankruptcy court to eliminate health care benefits to retired salary employees . I do believe that this is not in the best interest of anybody, which is what you would consider natural from my perspective as a salary retiree . There should be a different way to accomplish the cost saving measures that they have deemed necessary . I could go through all of the philosophical reasons why Delphi owes something to the employees that made the company and when we left it was prosperous and viable and now that the present gang in charge has let the company down . They maintain their present salaries, perks (cars , planes , etc) and received an incentive pay last year as the company was going down the drain .

They do not have a business plan as noted in their filing and they have a tendency to exaggerate the cost of health care to the retirees, since we loose health care when we hit age 65 and Medicare takes over . These same people fired persons with over 30 years service and forced them into early retirement which incurred a lower pay in retirement and now they want to eliminate health care in retirement for those they forced to retire. I realize in business that morality and ethics has no part , but you would think that in our legal system it would mean something . I realize that up until now, the company has received everything that they have asked for from the bankruptcy court, but one wonders when someone will realize that the gang in charge needs to start paying a price for their actions or at least rationalize it based on some moral ethical perspective . It is possible that by eliminating health care for salary retirees that it could increase their operating cost. Many will choose not to retire until they are 65 and at that point utilize Medicare. This would encourage highly paid staff to stay on the job longer. So all of those projections begin to fall apart quickly. Not many people want to retire without health care and with the present retirees getting off company healthcare as presently designed to do, the savings will not happen . These are the same people that would throw their mother out into the street because she could not bake them an apple pie and we are to trust them with this decision.

Out of the 15000 people retired how many fall out of the health care process as they hit 65. Presently they have managers sitting around the organization with no one to manage just waiting for Delphi to come out of bankruptcy so that they can collect a bonus they were committed to, so that they can too leave afterwards. Locally they have approximate 1 million square feet of plant floor space sitting here mostly not being used. The cost of that floor space alone for taxes and the cost of maintenance in cold storage cost them more . If they had gotten rid of it would have saved them more than they would have ever saved by eliminating our health care cost .

Has anyone considered in the big picture like the impact that this could have on those already retired, to get health care for those not old enough to use Medicare it could force

them into bankruptcy . There are a few that would lose their homes . I realize that we are gone and do not count anymore, but from a moral and ethical perspective this should be considered . It is easy to knock a class of people that does not have any clout in this process. I realize that we the salary retirees are not represented in this process by either a union and/or legal source but from a moral and ethical perspective I would hope that you at least would consider the impact on the lives of the many that are retired with the simple thought that when we retired that we would be accorded some consideration for the many years we put in making Delphi a good moral and ethical company at least while we were there.

One class of people should not be made to bear the full responsibility of incurring the cost of this burden . The notification did not spell out the full impact as to the course of this action. Will eliminating the cost of health care for retirees allow Delphi to magically jump out of bankruptcy or what part of the whole picture does this play . It seems like they are magically jumping at straws and not doing a good job of planning , which is what got them into this pickle in the first place. Many of us would have to seek some kind of legal recourse ,ie, age discrimination in being discharged and/or what ever may occur.

I worked for GM/Delphi for 43 years most of it in Engineering and I have never seen such poor planning on a project as these people have shown since we have been in bankruptcy. If I would have ever made such types of recommendation (planning) on a project as they have made in this bankruptcy proceedings without proper analysis , I would have had my head handed to me in a basket .

It appears from this proposal that GM gave them 10 billion dollars for legacy cost included were salary retirees . Where did the money go . Why do we punish the people who made the company and reward those who bankrupt it . These people look no further than yesterday with their actions they cannot even see today .

I don't understand most of what the legalese in this means but I just wanted to voice my opinion , it's impressive how much they throw around all of these cases they reference , looks like they sure earned their money . Also they throw a bunch of graphs in there which makes an impressive picture and talk about GM. What about the rest of the business with other automotive customers and customers outside of automotive . It appears that the economy is forecasted to turn around by the second half of this year, so the pretty graphs would arguably change dramatically . If this occurs as for projected the retirees would be adversely affected by incorrect numbers and an over reaction by this gang of people . Once a benefit is removed from the salary retirees you can bet that it will never be reinstated.

How do they justify how North America toolled up the rest of the world and built plants and North America paid for it but yet they do not bring any of that money home . Which would help pay for all the work that we provided to the rest of the world ,ie, Mexico , China and Europe . All of my designs were sent outside North America and North America paid the full cost for them and we were never reimbursed for the work . Somebody really needs to pursue that avenue of questioning . We go bankrupt while we provide the rest of the world with finances and designs and no monies are returned to North America. How could North America ever be profitable under this process Even the government recognizes that such as when the PBGC (ERISA) threatens to place a lien against Delphi plants outside of North if they turn our pensions over to them .

The petition notes that other large companies terminate retirees health care plans , but they also don't point out that other moral and ethical companies have all their people take pay cuts and/or share in the pain by having their people share more in the cost of their health care . This occurs with some companies that are even profitable .

I also like the gull of these people as noted in this petition such that when they went into bankruptcy they expected everyone to adhere to the bankruptcy court rules. Now that there is a rule they don't like ,ie, joint administration, they want to ignore it , by bypassing the court and eliminating the retirees health care without the blessing of the court. Which appears to be **their** way of doing what the court had requested: to implement a replacement pension plan . Which is definitely more cost effective , ie, the government picks up the retirees that are forced into bankruptcy after loosing health care .

One of the things that alludes me is the item on pg 16 as to maximize value for the stakeholders , are not retirees stake holders and does this really maximize value for these stakeholders. Do you think the salary retirees would agree with this plan?? **I would guess NOT.**

From a common courtesy perspective you would think that one would give more time to the injured retirees to acquire health care than what is proposed here. By law when they fire people they normally give approx 52 days . If this proposal is accepted that time frame is not afforded to the retirees . As important as health care is one would think that at least 6 months would be the minimal amount of time to prepare . Most retirees considered health care when they retired as part of the moral contract that would be adhered to at a minimum as it was an implied contractual obligation. Everyone no doubt considers this pressing times , but distresses in the financial world will always come up and it is the up right individual that will use discretion in his handling of these situations.

I thought interesting that these people think that if the court appoints a committee to review this, that the court is irrelevant and or jumping through hoops (pg25). (Hoola hoops maybe) They use some other phrases in here such as the court is the 'overseer of the wisdom ' isn't that like being the traffic cop in the dispute and/or maybe to say an arbiter of disputes if one wishes to play with words . And they mention bad faith and whim , it would appear from some perspective (retiree) to terminate health care would be considered bad faith. Whim - when a proposal such as this is done and for it to affect so many negatively and there is not a business plan that looks at everything and having a plan B . This really looks like something done on a whim . Maybe the court needs to look at this whole thing real closely .

Because something can be accomplished on a whim why not consider other things that would save more money like : cut all salaried head count salary by 10% (nobody will quit because there are not any jobs out there & salaried pay will always be increased) ; eliminate cars and car insurance for all managers and above; eliminate all pay except salary until out of bankruptcy ; can we eliminate planes ; eliminate all unused productive floor space sitting idle and costing big dollars for plant space put in cold storage ; eliminate all rented and leased buildings there are several in the local area approx 1 million sq ft of floor space ; eliminate all managers with nobody working for them; quit shipping US dollars overseas ;

I guess I've taken up enough of your time , hopefully this gets read . Having worked there for 43 years and have seen so much waste that goes on and still does and then to have to punish the retirees not only myself but others . These people are truly truly sad. It appears that there is really no such thing as fair play in these people's book . The powerful have the power to do and sell whatever they want, while the little guy just sits and squats and takes what comes .

Again appreciate your time and God Bless

Regards
Richard Benner
2452 Ridge Road
Vienna , Ohio 44473